

Appendix A

Important Laws and Regulations

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Laws and regulations that govern your rights and obligations in the California workers' compensation system are listed below.

- *To access the laws, go to www.leginfo.ca.gov (link to California Law).*
- *To access the regulations, go to www.oal.ca.gov (link to the California Code of Regulations). You can then access a specific regulatory section (enter Title 8 and the section number).*

Caution: *Some rules are based on legal interpretations found in case law and are not spelled out in statutes and regulations. Case law includes past decisions of workers' compensation judges, the Appeals Board, and state courts. If you have questions, use the resources in Chapter 8.*

Introduction

- Labor-management carve-out agreements: Labor Code sections 3201.5 to 3201.9; Title 8 regulations, sections 10200 to 10204

Chapter 1

- Definitions of "injury": Labor Code sections 3208, 3208.5, and 3208.1
- Limitations on coverage for psychiatric injuries: Labor Code section 3208.3
- Limitations on coverage for injuries reported after notice of termination or layoff: Labor Code section 3600(a)(10)
- Medical care benefits: Labor Code section 4600
- Temporary disability (TD) and permanent disability (PD) benefits: Labor Code sections 4453 to 4459, 4650, 4658.1, and 4659 to 4664
- Supplemental job displacement benefits: Labor Code sections 4658.5, 4658.6, and 4658.7
- Death benefits: Labor Code sections 4700 to 4728
- Predesignating your personal physician or a medical group: Labor Code sections 3551(b)(3) and 4600(d); Title 8 regulations, sections 9780(f), 9780.1, and 9783
- Predesignating your personal physician if employer or insurer has a contract with an HCO: Labor Code sections 3551(b)(3) and 4600.3(a); Title 8 regulations, sections 9779.3 to 9779.4
- Reporting your injury or illness to your employer: Labor Code sections 5400, 5402(a)
- Illegal to discriminate against (punish or fire) an injured worker because of the injury: Labor Code section 132a
- Employer must ensure access to emergency medical services: Title 8 regulations, section 3400
- Injury and Illness Prevention Program: Labor Code section 6401.7; Title 8 regulations, section 3203
- Medical care as a workers' compensation benefit regardless of time lost: Labor Code section 4600(a)
- Limitations on coverage for residential employees who are temporary or part-time: Labor Code sections 3352(h) and 3715(b)
- Definition of "independent contractor": Labor Code section 3353
- Coverage for aliens (immigrants): Labor Code section 3351(a)

- Workers' compensation benefits regardless of who was at fault for your injury: Labor Code section 3600(a)
- Cannot sue your employer for a job injury; exceptions: Labor Code sections 3602, 3706, and 4558

Chapter 2

- Employer must give or mail claim form within one working day after learning about injury: Labor Code section 5401(a); Title 8 regulations, sections 10136 to 10139
- Role of the primary treating physician: Labor Code section 4061.5; Title 8 regulations, sections 9785 to 9785.4, and 10133.36 (*SJDB emergency regulation*)
- Employer must forward completed claim form to claims administrator and give injured worker a copy: Title 8 regulations, section 10140(a)
- Claims administrator must accept or deny new claim within a reasonable time: Labor Code sections 5814 and 5814.6; Title 8 regulations, section 10109
- Notices denying or delaying a claim: Title 8 regulations, section 9812(i) and (j)
- Workers' compensation fraud: Labor Code sections 3820 to 3823; Insurance Code sections 1871 and 1871.4
- New claim presumed to be covered by workers' compensation if not denied within 90 days: Labor Code section 5402(b)
- Illegal to discriminate against (punish or fire) an injured worker because of the injury: Labor Code section 132a
- California Family Rights Act: Government Code section 12945.2
- California Fair Employment and Housing Act: Government Code sections 12900 to 12996
- Information & Assistance (I&A) officers and I&A services: Labor Code sections 139.6, and 5450 to 5454; Title 8 regulations, sections 9921 to 9929
- Workers' compensation judges: Labor Code sections 123.5 and 123.6; Title 8 regulations, section 10348

Chapter 3

- Employer must pay for workers' compensation and must have insurance or be self-insured: Labor Code sections 3600 and 3700
- Illegal for medical provider to bill injured worker while claim is pending: Labor Code section 3751(b)
- Medical care based on treatment guidelines and other scientifically based guidelines: Labor Code sections 4600(b), 4604.5, and 5307.27; Title 8 regulations 9792.8 and 9792.20 to 9792.26
- Limits on chiropractic, physical therapy, and occupational therapy visits: Labor Code section 4604.5(c)
- Employer must ensure access to emergency medical services: Title 8 regulations, section 3400
- Claims administrator must authorize medical treatment within one working day after claim form is filed, up to \$10,000: Labor Code section 5402(c)
- Predesignating your personal physician or a medical group: Labor Code sections 3551(b)(3) and 4600(d); Title 8 Regulations, sections 9780(f), 9780.1, and 9783
- Predesignating your personal physician or a medical group if employer or insurer has a contract with an HCO: Labor Code sections 3551(b)(3) and 4600.3(a); Title 8 regulations, sections 9779.3 to 9779.4
- Medical provider networks (MPNs): Labor Code sections 4616 to 4616.7; Title 8 Regulations, sections 9767.1 to 9767.17
- Health care organizations (HCOs): Labor Code section 4600.3 to 4600.7; Title 8 regulations, sections 9770 to 9779.8
- Right to be treated by your personal physician if employer did not post information about your workers' compensation rights: Labor Code sections 3550(e) and 4616.3(b); Title 8 regulations, sections 9881 and 9881.1
- Right to be treated by a physician of your choice if employer or claims administrator fails to provide necessary care or sends you to treatment that is completely inadequate: Labor Code section 4600(a)
- Employer's duty to post information about workers' compensation: Labor Code section 3550; Title 8 regulations, sections 9881 and 9881.1

- Switching to a different doctor if you are being treated in an MPN: Labor Code section 4616.3; Title 8 regulations, section 9767.6
- Switching to a different doctor if you are being treated in an HCO: Labor Code sections 3209.3, and 4600.3(c), (e), and (g); Title 8 regulations, section 9773(b)(6)
- Chiropractor may not be treating physician after 24 chiropractic visits: Labor Code section 4600(c)
- Duty to inform claims administrator of new treating physician's name and address: Labor Code section 4603.2(a)(1)
- Switching to a different doctor if you are not being treated in an MPN or HCO: Labor Code sections 3209.3, 4600(c), and 4601(a); Title 8 Regulations, section 9781
- Switching to your personal chiropractor or acupuncturist: Labor Code section 4601(b) and (c); Title 8 regulations, sections 9781(b) and 9783.1
- Switching to a different doctor if you are being treated by a predesignated personal physician: Labor Code sections 3209.3, 4600(c), 4600.3(a), (c), (e), and (g), and 4616.3(b); Title 8 regulations, sections 9767.6(d), (e), and (f), 9773(b)(6), 9780.1(d), and 9781.
- Treating physician's reports: Title 8 regulations, sections 9785, 9785.4, and 10133.35 (*SJDB emergency regulation*)
- Claims administrator must provide copies of medical reports upon request: Title 8 Regulations, section 9810(e)
- Physician must provide copies of medical reports upon request: California Health and Safety Code sections 123100 to 123149.5

Chapter 4

- Challenging diagnosis or treatment decisions of a treating physician in an MPN: Labor Code sections 4616.3(c), 4616.4, and 4616.6; Title 8 regulations, sections 9767.7, and 9768.1 to 9768.17
- Challenging diagnosis or treatment decisions of a treating physician in an HCO: Labor Code sections 4600.3(e) and 4600.5(d)(6); Title 8 regulations, sections 9773(b)(7) and 9775
- Challenging diagnosis or treatment decisions of a treating physician not in an MPN or HCO: Labor Code sections 4062 to 4068

- Qualified medical evaluators (QMEs): Labor Code section 139.2; Title 8 regulations, sections 10 to 119
- Utilization review (UR): Labor Code section 4610; Title 8 regulations, sections 9785, 9785.5, 9792.6 to 9792.10, and 9792.12 (*includes UR emergency regulations*)
- Challenging a decision to deny treatment: Labor Code sections 4062(b) and (c), 4610.5, and 4610.6; Title 8 regulations, sections 9792.10 to 9792.10.9, and 9792.12 (*includes IMR emergency regulations*)
- Penalties for unreasonable delay or denial: Labor Code sections 4610.1, 5814, and 5814.5
- Complaints and Audit Unit investigations for failure to meet UR deadlines: Labor Code section 4610(i)
- Complaints and Audit Unit investigations of unreasonable delays and denials: Labor Code section 5814.6
- Injured worker or claims administrator challenging other types of opinions in a medical report: Labor Code sections 4060 to 4062.5; Title 8 regulations, section 9812(g)

Chapter 5

- Eligibility for temporary disability (TD) benefits: Labor Code section 4652
- TD benefit amounts: Labor Code sections 4453, 4653 to 4657, and 4661.5
- Job-protected leave under the California Family Rights Act (CFRA): Government Code section 12945.2
- Notices about TD payments: Labor Code section 138.4(c); Title 8 regulations, section 9812(a), (b), (c), and (d)
- When TD payments begin: Labor Code section 4650(a)
- TD benefits paid every two weeks: Labor Code section 4650(c)
- Delay letter regarding TD benefits: Title 8 regulations, section 9812(a)(2)
- New claim presumed to be covered by workers' compensation if not denied within 90 days: Labor Code section 5402(b)
- Penalties for delay in TD payments: Labor Code sections 4650(d) and 5814

- When TD payments end: Labor Code section 4656
- Notice about ending of TD benefits: Title 8 regulations, section 9812(d)

Chapter 6

- Medical reports and work restrictions while recovering: Labor Code section 4061.5; Title 8 regulations, sections 9785 and 9785.2
- Illegal to discriminate against (punish or fire) an injured worker because of the injury: Labor Code section 132a
- "Description of Employee's Job Duties" form: Title 8 regulations, section 10133.33 (*SJDB emergency regulation*)
- Offers of work and supplemental job displacement benefits: Labor Code sections 4658.5, 4658.6, and 4658.7; Title 8 regulations, sections 9813.1, 10116.9, and 10133.31 to 10133.60 (*includes SJDB emergency regulations*)
- Illegal to discriminate against (punish or fire) an injured worker because of the injury: Labor Code section 132a
- California Fair Employment and Housing Act (FEHA): Government Code sections 12900 to 12996

Chapter 7

- Definitions of "permanent disability": Labor Code sections 4660, 4660.1, and 4662; Title 8 regulations, section 10152
- Permanent and stationary (P&S) report: Labor Code section 4663; Title 8 regulations, sections 9785(g), 9785.3, 9785.4, and 10152
- Ratings: Labor Code sections 4452.5, 4660, 4660.1, 4662, 4663, and 4664; Title 8 regulations, sections 10150 to 10167
- Rating schedules: Labor Code sections 4658(d)(4) and 4660; Title 8 regulations, sections 9725 to 9727, 9805, and 9805.1
- Ratings by a state disability rater: Title 8 regulations, sections 10150 to 10167
- Reconsideration of a rating by a state disability rater: Title 8 regulations, section 10164

- Permanent disability (PD) benefit amounts: Labor Code sections 4658, 4658.1, 4659, 4660, 4660.1, 4661, 4662, 4663, and 4664
- Decrease or increase in PD benefits by 15% depending on whether or not employer offers work: Labor Code section 4658(d)(2) and (3); Title 8 regulations, section 10117
- "Notice of Offer of Regular Work" (form DWC-AD 10118): Title 8 regulations, section 10118
- "Notice of Offer of Modified or Alternative Work" (form DWC-AD 10133.53): Title 8 regulations, section 10133.53
- When PD payments begin: Labor Code section 4650(b)
- PD benefits paid every two weeks: Labor Code section 4650(c)
- When PD benefits are decreased or increased by 15%: Title 8 regulations, section 10117
- Notices about PD benefits: Labor Code sections 138.4(c) and 4061; Title 8 regulations, section 9812(g)
- Penalties for delay in PD benefits: Labor Code sections 4650(d) and 5814
- Stipulations with Request for Award: Labor Code section 5702; Title 8 regulations, sections 10496, 10497, and 10875 to 10882
- Compromise and Release: Labor Code sections 5000 to 5106; Title 8 regulations, sections 10870 to 10882
- Changes in benefits and reopening a case: Labor Code section 5410
- Findings and Award: Labor Code sections 5800 to 5816

Chapter 8

- Offers of work and supplemental job displacement benefits: Labor Code sections 4658.5, 4658.6, and 4658.7; Title 8 regulations, sections 9813.1, 10116.9, and 10133.31 to 10133.60 (*includes SJDB emergency regulations*)
- Dollar amounts of vouchers: Labor Code sections 4658.5(b) and 4658.7(d)